

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Cottonwood Inn, Glasgow, MT**

**April 18, 2002**

**Commission Members Present:** Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; Darlyne Dascher; John Lane and Mike Murphy.

**Fish, Wildlife & Parks Staff:** Jeff Hagener, Director; and other Department personnel.

**Guests:** James Rector; Karl Waitschies, Representative, HD 96; Alton Smith, Walleyes Unlimited (WU); Edgar Garwood, Nashua; Ron Garwood, Nashua; Diane Brandt, WU; Ted Reimche, Nashua; Bob Gilbert, WU; Jerry Pickthorn, Nashua; Scott Cassel, Saco; Mark Combs; Jill Hamilton, Glasgow Chamber of Commerce; Sam Waters; Frank Smith, Representative, HD 98; John Lacey; Lamar Fay, Glasgow Courier.

**Present but did not sign in:** Everett Russell

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of Commission Minutes, March 21, 2002 meeting and April 12, 2002 conference call**
- 3. Approval of Commission Expenses as of March 31, 2002**
- 4. 20-year Service Award Presentation to Bill Wiedenheft**
- 5. Future Fisheries Drought Projects - Final**
- 6. HB 292, Fishing Access Enhancement Program - Information**
- 7. Fishing Access Site on Missouri River, Region 6 - Information**
- 8. Ft. Peck Management Plan Appeal, Region 6 - Information**
- 9. State Parks Search Committee, Region 6 - Information**
- 10. Wild Horse Island Commercial Transport Rule, Region 1 - Information**
- 11. Sage Grouse Plan Update - Information**
- 12. Trumpeter Swan Issue - Information**
- 13. Pelican Issue - Information**
- 14. Status of Early Haying of WMAs – Information**
- 15. Wolf Planning – Update**
- 16. HB 454 - Update**
- 17. River Recreation Management - Update**
- 18. Automated Licensing System - Update**

**1. Opening - Pledge of Allegiance.** Chairman Dan Walker called meeting to order at 8:10 a.m. and led the Pledge of Allegiance.

**2. Approval of Commission Minutes of March 21, 2002.**

***ACTION:** Commissioner Mike Murphy moved approval of the minutes of the March 31, 2002 meeting, Commissioner Tim Mulligan seconded and motion carried.*

***ACTION:** Tim Mulligan moved approval of the minutes of the April 12, 2002 conference call; Commissioner Darlyne Dascher seconded; motion carried.*

**3. Approval of Commission Expenses through March 31, 2002. Director Jeff Hagener** commented that the Commission looks okay on the overall picture. Part of the budget request going in now acknowledges greater travel expenses.

***ACTION:** Dascher moved approval of the expenses as presented, Commissioner Mike Murphy seconded and motion approved.*

**4. 20-year service award letter to Bill Wiedenheft, Region 6 Fisheries Manager. Hagener** read and presented a letter to Wiedenheft, which outlined his 20-year career with Montana Fish, Wildlife & Parks. Wiedenheft briefly spoke and expressed appreciation for the work the Commissioners do, which is voluntary. Mentioned their desire for the Commissioners to take part in the walleye egg take at Ft. Peck. Unfortunately, because of the low water and other factors, it didn't happen. They have over 100 people assisting them with the egg take every year who are given a token recognition for their help. He then presented each Commissioner with a spawning cap like those given to the volunteers. Said if the Commissioners have time Friday or the coming weekend, they are welcome to participate in the egg take.

**5. Future Fisheries Drought Projects - Final. Chris Hunter, Fisheries Division Administrator.** Facing low summer stream flows for the second year in a row, asked for project proposals to improve stream flow and mitigate for drought conditions. Three proposals were received. Prior to the Advisory Committee meeting, recommended approval of two proposals, but not the third. After the Advisory Committee met, they recommended reduced approval of one, and full approval of the other two. The first project is #29, Dayton Creek, which is a tributary to Flathead Lake, and has the potential to support runs of westslope cutthroat and bull trout from Flathead Lake. The second project is in the Jefferson River system where there are three major irrigation ditches that lose a lot of water. Third is Trail Creek in Missoula County. The stream is seasonally dewatered from an irrigation diversion owned by Double Arrow Ranch Landowners Association.

**Commissioner Murphy** asked if there is concern with downstream senior rights on flow on the first one, #29. **Hunter** said, "Yes, that concerns me."

**Murphy** said on #30, Trout Unlimited is offering substantial dollars in the Jefferson area to get at this same issue. Part of that money would be tied to the ditches. It's a temporary fix and doesn't solve the problem, but can look at impact of lining the ditches and water saved from leakage. Looking to Senator Burns for a \$750,000 appropriation to conduct studies and other work. **Hunter** agreed it is a big undertaking and believes Trout Unlimited has someone working

full time on the Jefferson looking at that. At this cost could line those ditches for one to two years. **Murphy** said they were looking at lining the ditches for 11 miles.

**Murphy** asked about #31 if there is an effort to look at change of use on the water right as far as putting it back to in-stream flow? **Hunter** said he didn't think it would be a problem. There are no downstream users.

**Mulligan** asked about #29, if there was a water commissioner and who will enforce it? **Hunter** said part of their concern is there isn't a lease and enforcement would definitely be a problem. **Walker** asked about limited funding on #29. **Hunter** said the Advisory Committee is recommending only \$5,000 here as the committee is concerned about the vagueness of the proposal. After a long discussion with a Montana Water Trust representative and others, they will fund it at \$5,000, which is part of the total project. The savings will be 1 to 1½ cfs for 2 years. **Murphy** asked if this would accomplish anything for the fishery. **Hunter** said because of that question they didn't initially recommend funding. At \$5,000, it is still expensive water compared to what they normally pay. Without a water commissioner and without a lease, they have concerns. Responding to **Commissioner Lane's** question on how far from the conversion to the mouth of the stream, **Hunter** said a couple of miles. **Walker** said it appears with #29 they are trying to buy an opportunity for the future. Are they binding the \$15,000 from other sources, and will that be spent? **Hunter** said "yes." **Dascher** said she wasn't sure \$5,000 would buy much under this situation.

**Murphy** said this potentially could benefit the downstream senior rights. Assuming these monies are supposed to be benefiting the fishery, will there be any benefit? **Hunter** responded if this was his money, he wouldn't spend it.

**ACTION:** *Walker moved to approve project #29, Dayton Creek. Lane seconded. Vote was 2 (Walker and Lane) for and 3 (Murphy, Dascher, Mulligan) opposed. Motion failed.*

**ACTION:** *Dascher moved to approve project #30 in the Jefferson River System, and project #31, Trail Creek in Missoula County. Murphy seconded and asked if there had been any effort on #31 for change of use that will have to be obtained before this can proceed. Hunter said that no, they wouldn't proceed with the change of use until they had approval. Murphy said he wanted that to be a condition of #31 that that be accomplished before release of any funds. Motion carried.*

**6. HB 292, Fishing Access Enhancement Program - Information.** **Hunter** said at the last Legislative session, HB 292 was passed, an act creating a fishing access enhancement program to provide tangible benefits to private landowners who provide public fishing access. That authorized the department to spend \$50,000 per year for two years to implement this program. Alan Kuser, FWP fishing access site coordinator, is working with a committee to develop the two key components of this legislation, which are:

1. FWP enter into a cooperative agreement or contract with the landowner stipulating benefits the landowner would provide, and the amount of money or tangible benefits the department would provide to the landowner.

2. Provision that the Commission shall develop criteria on tangible benefits allocated to participating landowners. The provision says the program's priority must be given to properties that provide the greatest fishing access for the lowest cost. Factors used in determining this may include, but are not limited to, number of days of public fishing provided by a participating landowner, the fish habitat provided, and access provided to reach public land.

The second part of this is more difficult because they must consider number of days of public fishing provided by a participating landowner, and properties that provide the greatest fishing access for the lowest cost. Have asked each of the regions to prepare proposals, and they are negotiating agreements with a variety of landowners. They will send those in a couple of weeks; we'd like to bring them to the May Commission meeting and treat this similarly to the future fisheries program. That way we would meet the intent of the legislation that the Commission adopt criteria for tangible benefits, and the Commission would have a role in determining which project and level of funding. Throughout next year we hope to answer these questions.

Responding to a question from **Chairman Walker** on how long the committee has been working on this, **Hunter** said they began last fall and worked on it all winter. **Dascher** asked if the regions had time to look at it. **Hunter** said Bill Wiedenheft, Bruce Rich and Jim Vashro are on the committee and it was over a month ago they first talked to the regions about preparing the proposal. They had an idea of how it might work, but once they looked at exactly what the legislation said, the two didn't mesh well. **Mulligan** asked if the way the funding works, it is necessary to select a certain number and prioritize them? **Hunter** said these would basically be negotiated up front and then the contracts signed. **Mulligan** asked if they chose not to sign the contract, would the money be lost? **Hunter** said they do not want to lose that money and it would be a scramble. They will try to get some help. They currently know about some of the projects. **Bill Wiedenheft** said they have one in the Havre area close to completion, and another one close to Glasgow with a bit of work still to do, but it is almost done.

**ACTION:** *Walker asked if they wanted a "thumbs up" to proceed. Hunter responded "Yes." Walker advised him to go forward on this.*

**7. Fishing Access Site on Missouri River, Region 6 - Information.** Region 6 Parks Manager **Woody Baxter** said this site, called the School Trust Fishing Access Site, is what group looked at the day before and discussed at length at the open house on April 17. Presented a map showing Alternative Site A, which is more upstream, and B, which is along the property line. It is on the Missouri River approximately five miles downstream from Fort Peck Dam, on the north side of the river and on School Trust Land managed by the Department of Natural Resources and Conservation (DNRC). It has a worthy fishery for boats and bank fishing, and rainbow trout, which are unique to the area. The mouth of the Milk River is just shy of two miles downstream from the site, and it is just over 3½ miles to a paved highway via gravel road. Livestock

currently graze on the property; the Garwood family has had a grazing lease there for 36 years. Another use is public recreation done on foot.

No preferred alternative was stated in the EA as they wanted it to come from public comment and material in the EA. The EA went out a week ago and public concerns expressed include: impacts on the lessee's livestock behavior, contacts between vehicles and livestock as well as between people and livestock, late night parties, people driving outside the designated fishing access site roadway system, illegal campfires, accidental fires, spread of noxious weeds, preservation of the historical barge, increased traffic on the county road leading to the access site, and need for an efficient, trouble-free, immediately accessible boat launch site. This is an interagency partnership and the agencies have two concerns: 1) will construction of a fishing access allow DNRC to manage the land to the fullest extent possible, present and future; and 2) can FWP develop a fishing access site engineered in an effective and efficient manner to present minimal environmental and human impact, and minimal periodic maintenance repairs to produce a convenient and easily accessible boat-launch site?

Historically, people have used the site to put in boats, and this activity was illegal. People putting in boats there probably did not know that. Since signs were put up stating the illegal use of vehicular traffic, it hasn't been a problem of people going there. That's when the public went to local DNRC and FWP folks to discuss either keeping it closed to vehicular use or improving it to provide a safe, legal fishing access site. Requests came from a local sportsmen's group and boaters throughout the area. Proposed improvements are graveled, raised roadway, graveled boat ramp, graveled five-vehicle parking area with turnaround large enough for pickup truck and a trailer, a vault toilet, fencing around the boat ramp parking area to keep out livestock, and upgrade of about a half mile of Valley County roadway.

**Walker** said they viewed the site yesterday and had a good discussion last night. From an informational point of view, have given this a thorough going-over. **Murphy** had a question about the lessee's cattle. From the standpoint of where the vehicles will be parked, will there be a cattle guard and gate set up there so cattle can't get into the area? **Baxter** responded that yes, whether it's alternative A or B, the actual parking turn-around, latrine and boat ramp will be enclosed with a fence and cattle guard.

**Ron Garwood** - Live within ¾ mile of this proposed fishing access site. Concerned with way it has come about and people driving off the established road. Knows there is a real push for FWP to get something on the river. No FAS on the Missouri River.

**Ted Reimche**, landowner on the east side - Don't see any problems with it and all for it. It's a great place for a fishing access site and this is a good idea.

**Mark Combs**, sportsman, Glasgow - Another aspect to look at is the waterfowl hunting. It provides access to islands further down the river to hunt waterfowl. Preferred alternative is A.

**Alton Smith**, Walleyes Unlimited, Glasgow - There is need for access there for both hunting and fishing. A lot of people try to use the river and limited with access around here.

**Jim Rector**, Glasgow - From a cost benefit analysis, this is one of the cheapest access sites the Department will acquire and will provide substantial benefits. Presently, there is only one Fish, Wildlife and Parks site for the approximately 130-180 river miles between Ft. Peck Lake and the mouth of Yellowstone. Efforts to get access through the reservation have been unsuccessful.

**Edgar Garwood** - Prefers Site B as there would not be a problem with contact between his cattle and vehicles. He is for the project if Site B is the goal; however, it seems the sportsmen were using Site A. Jet skis could be a problem with that access.

**8. Ft. Peck Management Plan Appeal, Region 6 - Information. Hunter** - It had been anticipated there could be one or two appeals to the Ft. Peck Management Plan. The Montana Bass Federation submitted the only appeal specific to the description on weigh-in tournaments from June 15 to September 15. The Federation's representative was unable to appear today but will attend the next Commission meeting. **Bill Wiedenheft** gave Commissioners a brief summary of the Ft. Peck Management Plan development. The process began in October of 2000 with the formation of an advisory committee. Public meetings were held in six eastern Montana communities, and written comments were solicited. The plan was signed by the FWP Director and released to the public. Appeals could be submitted until April 8, 2002. The final decision will be postponed until the May Commission meeting in order to fulfill the 14-day requirement for public comment on the appeal. Responding to a question from **Walker** about the date of the Bass Federation tournament this year, **Wiedenheft** said it is June 1-2.

Answering **Mulligan's** question on the different tournament types, **Wiedenheft** said there was considerable public opposition to the significant mortalities observed at weigh-in tournaments in the year 2000. Rather than completely banning weigh-in tournaments, as a compromise they will be allowed during cool weather months. The final draft of the Ft. Peck Management Plan allows for the tournaments from May to June 15, and after September 15.

**Walker** clarified that as far as the Bass Federation complaint, their tournament is not affected this year, and future tournaments will be before June 15, or after September 15. **Alton Smith** asked if the Bass Federation typically had tournaments with the parameters. **Wiedenheft** said they have had tournaments in August. **A. Smith** said the possibility exists they would want a tournament then. **Wiedenheft** said the only one they applied for this year, which FWP has approved, is the one being held June 1-2. **Walker** stated they have that issue to deal with as well as issue of literature where various studies by fish biologists are cited on bass mortality. One group uses mortality numbers from largemouth bass tournaments in other states and that question drives the decision. **A. Smith** said he realizes the public perception on loss of fish at a weigh-in may be high, but does it affect the lake? **Wiedenheft** said what they are trying to address in the Management Plan is public opposition to weigh-in tournaments. Attempting to reach a compromise between those who oppose the weigh-in format and those like the Bass Federation who support it, they decided to allow the tournaments during cool weather months for less likelihood of major mortality problems. **Walker** said that probably doesn't answer Mr. Smith's question about overall effect on the lake, but from the Commission's point of view they wouldn't pursue that as it would be pointless. **A. Smith** said he understood that.

**Diane Brandt**, Walleyes Unlimited, said one concern is that the Bass Federation wants to bring in a larger bass tournament in the future. Assumes that would be in the summer. The problem with weigh-in tournaments a few years ago was a walleye tournament, not bass. So the window with weigh-in tournaments would apply to walleye. There's a difference. There is a no comparison between a bass tournament and what took place with the walleye tournament. It's not a big, complex issue.

**Wiedenheft** said there is an issue of equity and there is a difference between bass and walleye. However, if we get more specific and start addressing temperature needs of smallmouth bass versus walleye, then it is a closer comparison. The equity issue is that the public indicated they do not want any more walleye tournaments of the weigh-in type. If restrictions are imposed on these tournaments and not bass tournaments (specifically smallmouth bass), there is an equity issue FWP must be sensitive to.

**Bob Gilbert**, Sidney, Interim Exec. Director, Walleyes Unlimited for Montana. Some of the members have mixed feelings on the issue and have to look at public perception vs. politics vs. reality. They do not want a decision that would grant an appeal to give someone an exception and jeopardize all their efforts as far as their association's relationship with FWP. One small exception can create many problems.

**Jim Satterfield**, Region 6 Supervisor, said more detailed information would be presented on the biology and the equities. The Director has approved the plan and one appeal has been received. That appeal is whether the weigh-in restriction will apply to smallmouth bass in the tournament. The restriction of time is June 15 to September 15. During that window, a weigh-in tournament cannot be held. **Walker** said the group, which did not participate in the process earlier, was now involved and their concerns would be addressed.

**9. State Parks Search Committee, Region Six - Information.** **Tom Reilly**, Parks Division Assistant Administrator, said there are 42 parks statewide with none in Region 6. Two tasks assigned to Woody Baxter, hired as Region 6 Parks Manager last February, were to search for potential park sites in this part of the state, present his recommendations, and search for fishing access sites on the Lower Missouri. Baxter and Satterfield assembled an 11-member citizens advisory council, which was approved by the Director. After six meetings and numerous field trips, the committee produced a list of five potential state parks. The committee will prioritize those five sites, and in a report finalized by Region 6 staff, recommendations will be sent to the Parks Administrator and the Director by July 1 this year.

**Woody Baxter** told Commissioners this region includes all or part of 10 counties. There are lots of opportunities in the area and a couple of governmental agencies have taken advantage of that. The Fort Peck unit of the Army Corps of Engineers has developed one of the best campground areas in eastern Montana. Hill County owns and operates Beaver Creek County Park south of Havre, which is the largest county park in the United States. Within 30 miles of the Montana/North Dakota border, there are two state historical sites in North Dakota, one national historical site, one National Park and two state parks. In Canada to the north, within 35 miles of

the U.S./Canada border, there are five provincial parks and one National Park. At the border of Regions 7 and 6 in Montana, Region 7 has a state park. Therefore, there is a black hole with no Montana state park presence in northeastern Montana, and we're surrounded by other public entities that have found and developed numerous recreational opportunities.

The citizens' advisory council includes schoolteachers, museum curator, three ranchers, town planner, hard-core sportsman, retired weatherman and minister. They listed 26 or 27 possible sites and 13 sites were selected for on-site viewing. Each council member nominated a potential site, gave specifics of the site and how it would be developed, checked with property owners on how the property could be acquired, costs and other information. Five sites were nominated; they include one near Havre, another at Zortman, one at Fort Peck, Culbertson and one south of Plentywood. A report is being developed giving information on top sites the council has selected. It will go to the Parks Administrator and the Director on July 1.

The site near Havre is Ft. Assinniboine, a military fort established in 1879. There were 27 buildings at the fort, all built in a year. In 1989 it was added to the National Register of Historic Sites. There are numerous buildings left and some are still used by the Montana State University Agricultural Experiment Station.

Next is Azure Cave, located south of Malta near Zortman. It is managed by BLM and presently closed to the public. An issue with BLM is safety, potential for vandalism and bats. (There are 7 species of bats numbering 1,100 to 1,200 that hibernate in the cave annually.) BLM is not interested in this site becoming a state park in the near future because of those issues, but they are aware some folks are interested in it and the issue could come up again.

Next is the Joe Hartman Ranch south of Malta and northeast of Zortman. It is a homestead with part of it built in 1915 and another part in the 1920s or 30s.

Rock Creek north of Hinsdale was looked at as a "Serengeti park" concept where wildlife could be viewed in a self-guided road tour. This type of park would mean a lot of land where a great deal of property would have to be purchased or traded. This type of park could potentially bring people from all over the world.

Next is the IMAX/conference center proposal in the Fort Peck Dam area. Senator Sam Kitzenberg supports this concept, and proposes a 7,500 square foot cultural learning center and conference center to seat 500 people. There is no conference facility like it throughout eastern Montana, and people from North and South Dakota, Saskatchewan and Wyoming could use it. The proposal includes a 6,000 square foot IMAX theater. Senator Kitzenberg's concept presents two ideas: first, that Region 6 do something different from other state parks, and, second, Fort Peck could eventually become a destination site even for visitors from the Midwest with the interpretation center, history of the dam, multi-species fish hatchery and IMAX theater/convention center.

Another is the Lewis and Clark Fishing Access Site south of Wolf Point. It has a boat ramp and camping, and been used for years by people of the community. FWP is the deeded owner of a

lot of land there. The committee feels this should be kept a fishing access site. It can be readdressed later as a state park possibility.

Pioneer Town, right outside Scobey, is an impressive property with unbelievable buildings and artifacts in those buildings. One problem with the site is putting a value on it; another is that the owners of items in the buildings may choose to reclaim them sometime in the future. It is also very remote.

Culbertson Overlook is a possibility on the north side of the Missouri River. It is a beautiful site with possibilities of a nice overlook, parking, nature trail, picnicking and camping. The private landowner has stated, however, they are not interested in this nominated site going any further in the process of becoming a potential state park. It has been eliminated from the list.

Brush Lake, southeast of Plentywood, is about 280 acres sitting in the middle of a section so would be looking at 640 acres, 360 of it deeded. There are no fish in the lake because of mineral content in the water, and would be looking at water recreation, camping, nature studies, education, geo-hydrologic interpretation, science studies and scuba diving. There are attractive mineral cones on the bottom of the lake. The potential here is a state park similar to Lake Elmo in Billings or Frenchtown State Park outside of Missoula where mostly local people use the site.

**Reilly** told the Commissioners the State Parks Futures Committee meeting will be in Glasgow May 29 and will meet with the Region 6 Park Search Committee.

**10. Wild Horse Island Commercial Transport Rule, Region One - Information.** **Reilly** said Wild Horse Island, a state park at the southern end of Flathead Lake, is one of the “primitive state parks” designated by the 1993 legislative session. The only access to the island is via boat. The public insists they do not want commercial use there whether it is concessions on the island, transport to the island, walking tours, bike tours or anything else. FWP has an issue with one local tour operator who continues to utilize the island commercially by taking people to the island. At this point must decide whether to open it to other commercial users, or use a heavy-handed approach to get the operator to stop. There are five other tour companies on Flathead Lake interested in tours there if it was allowed.

**Director Hagener** asked if it changed from where FWP is now on this issue, would it be within the Parks fee rule? **Reilly** responded it could be but they should do something separate from the fee rule. They now have an active management plan that provides for no commercial use, which would have to be amended somehow through that process. **Commissioner Murphy** asked how enforceable the “no commercial use” provision within that management plan was from the legal perspective. **Reilly** answered that working with the Lake County attorney they could prosecute the individual but haven’t wanted to go that far. **Bob Lane**, Chief Legal Counsel, said they have a rule now but have had some issues about enforcing it with the county attorney who is not satisfied with the way the rule is worded. Would need to change the present rule in order to have something through which the county attorney could prosecute. Another issue separate but related to that is whether they can make this restriction on someone who simply transports people there but does not engage in any commercial purpose on the island. They are taking the

right approach of looking at it legally. If they make a policy decision, would have language in it changing the rule, which the county attorney could use to prosecute.

Responding to **Chairman Walker's** question of when the survey was done showing 70% of the public opposed to commercial use, **Reilly** said it was the summer of 1998. Region 1 mailed a questionnaire answered by 116 individuals showing 70-73% of the folks were opposed to charter service and/or tours of Wild Horse Island. The rule was already in place through the management plan and at that time they were considering sanctioning it or allocating it through a concession. **Walker** said it looks like an individual is operating a shuttle service and there don't seem to be a lot of complaints about that. Obviously there's a demand or he wouldn't be in business. Who is being hurt? **Reilly** said if we allow commercial use, we should provide the opportunity to other folks who could do it. The other four to six people on the lake who could do it have not out of respect for us asking them not to. **Murphy** asked if this could be a similar situation to the Gates of Mountains out of Helena where a commercial operator provides tours. **Reilly** responded that it is very similar but on Wild Horse Island there is no dock and no camping. The boats land, people take a plank or wade to the shore, spend a day, half a day or a few hours depending on what they want to do. There are no other facilities, picnic tables, etc. We're at a point where we need to either shut off the commercial use or sanction it. In response to **Chairman Walker's** comment that the presentation seems to be leading towards shutting it off, **Reilly** said that has been their task over the past four or five years, and they have tried to do it without being heavy-handed with the individual operating the tours. **Murphy** asked if there are private cabins there. **Reilly** stated there are about 54 lots on the island that came with the island when the state purchased it. There are about 27 cabins on those lots and the sites are owned and deeded. The individuals go back and forth themselves and their property is on the perimeter of the island, not the interior. There are no real roads on the island. There has not been a public outcry to shut off people going out there.

**Walker** said he is troubled with this. It is presented as an informational item. Would like to interrupt the process and look at it again. It is a state asset and from the outset it doesn't appear the state wants anyone to use it. **Reilly** said the Legal Division is putting together an analysis of the whole situation and from there decide which way to proceed. **Walker** said he wants to look at the rule, and doesn't want to enforce a rule they may not need. In response to **Commissioner Mulligan's** question, **Reilly** said there are "no commercial use" deed restrictions on the lots that are privately owned. But there are no deed restrictions as far as commercial use/no commercial use for FWP. **Mulligan** said they frequently put that on in places where they don't want any commercial use. Are there any other precedents in the state where there is a commercial operator? Is the Tongue River State Park the only one where there is a commercial operator? **Reilly** said they have others like the concession at Tongue River, Elk Creek, and a small one at Lewis and Clark Caverns. Those are all contracts. There are no other precedents in the state of this type of activity. **Mulligan** said he would like to see some consistency as we move forward.

**Murphy** had another question as far as addressing the impacts commercial use might have on the biological aspects of the island. **Reilly** said it is his understanding the cruise operator is taking 150-200 people there a year and the total visitation is about 10,000/year. So his use is insignificant overall. **Mulligan** asked if there were objections to FWP taking the groups to the

island. **Reilly** said not that he was aware of. Region 1 staff took school groups and things of that type to the island from 1991-93, but stopped because of the condition of the boat and staffing. **Mulligan** asked if the concept of a one-contract entity serving the function of FWP was presented to the public or was it presented as multiple users. **Reilly** said it was presented as "If we had commercial use, then here are some options." Should it be one person, should it be a shuttle three days/week and then no shuttle four days - those kinds of options. **Mulligan** said if it were narrowed to something like a follow-on to what FWP was doing through a contract, what would be the public response? **Reilly** responded they would have to go out again for public comment and find out. Use has been increasing. It was 7,000 visitors/year four or five years ago and now it is 10,000-11,000. In response to **Walker's** question about access, **Reilly** said it is by private boats. **Dascher** said if we wanted to have something like that, then should put it out through a bid process and go with it. **Reilly** said the use varies all the way from someone just docking and walking 50 feet up the bank to have a picnic to those folks who take a day to see all the sheep, explore and go to all the high points. **Hagener** mentioned that this is also a designated "primitive park" through the statutory provision so FWP is very restricted on what can be done there. **Reilly** said one of the things they will do this summer is try a dehydrated toilet near the most popular boat landing. This is brought forth as an informational item today and no doubt will receive more attention in the future.

**Walker** asked if the commission should be directed to look at it a different way. **Mulligan** said he didn't see how they could get to an answer unless they did. **Walker** said he is clearly opposed to prosecuting the operator who is providing a service for people who don't have a boat. **Reilly** said his name is Bill Myers and he had hoped he would be at this meeting.

**Bob Lane** said the initial charge to the Legal Unit was respond to the question, "Can we do this," and not whether we should. Should we still answer the legal question? **Walker** said "No." **Dascher** said she agrees with the "should" part of this: do we want to have this regulation? If we do, we have to enforce it. If we're not going to enforce it, then we shouldn't have it. **Walker** asked if they will look for this on the agenda in the next 30 days? **Reilly** said "Yes."

**Mulligan** asked about the status of the Ruby FAS. **Reilly** said he didn't know, but they were getting close. Will check on it and get back to Commissioner Mulligan.

**11. Sage Grouse Plan Update - Information.** **Pat Gunderson**, Region 6 Wildlife Biologist, showed a map giving locations of the sage grouse strutting grounds. In Region 6 the most extensive work has been done in southern Phillips and Valley Counties. Counts were first conducted on leks in 1955, they were done on some leks until 1981 and on two of them they are still counted today. In the mid-1970s and the 1980s the CMR, USFWS, BLM and FWP conducted surveys at various times. Since 1989 FWP has done a block area of about 140 square miles surveying leks 3-5 times each spring. From 1999 to present, as the sage grouse issue heated up across the West, FWP made a concerted effort to find and count every lek. Individually, one lek doesn't show a lot, but the trend has been pretty stable since 1977. Going back to 2000, in Region 6 they counted about 3,700 males on the strutting grounds. Typically, there are two females per male. Knowing they didn't survey all the habitat, they estimate somewhere between 15,000 and 20,000 breeding birds last spring.

Harvest in Region 6 has averaged about 1,700 birds and they estimate 10% or less of the population is harvested. In 2001 surveys showed over 50% of the bird hunters hunted pheasants only. It appears they will see a slight decrease in 2002 from last year. Of the failed nests, two-thirds were lost to avian predators (crows, magpies and gulls) and bull snakes. The other one-third was abandoned. Future plans for sage grouse in Region 6 are to continue with all-out efforts to locate leks and count birds. It is a cooperative effort with USFWS and BLM. Looking to establish more block areas. Will continue looking at winter habitat to establish where grouse are wintering, and continue seeking native rangeland habitat. Have impacted over 280,000 acres with grazing systems, conservation easements, etc., and will continue looking for those opportunities in Region 6. Will attempt to look at each lek and try to assess the reasons for decline whether it was power lines, roads, etc.

**Murphy** asked about the two-thirds loss of nests due to predation and if that is normal or an increasing trend? **Gunderson** said he couldn't answer that question at this time, but after this year will have a better idea of predation through on-going research in south Phillips County. There was very little overhead cover to protect from predators so they may have been more susceptible last spring due to drought conditions. Responding to **Commissioner Dascher's** question about location of surveys, **Gunderson** said the bulk of the work in Region 6 has been in south Valley County. **Mulligan** asked if there was any reason why numbers for one site are going up and another is going down. **Gunderson** responded that power lines are easy to look at. When a power line went up in 1985, prior to that time a survey along a corridor of the proposed line showed eight leks and now there are only three. Those kinds of things are easy to assess. In the future, will look at the areas around a lek to see if they can match what is going on on the ground with what is going on around the area. **Walker** asked if there's a code to help interpret the chart? **Gunderson** said each chart (except for the last one) is one lek and long-term average of that lek. Responding to **Chairman Walker's** request for the information to be provided on a sheet, **Gunderson** said, "Yes, they could." **Murphy** asked if the power line makes for an easier predator situation and if any birds are moving in response to the situation? **Gunderson** said they can move with respect to those along power lines and they do see that. However, they don't have enough long-term data from enough leks to match and answer the question if they're moving from one lek to another. Again, it is only since 1989 when they've had the information of multiple counts per season in a much larger area. Prior to that, few leks were studied. Going further back, it is difficult to interpret the information.

**John McCarthy**, Upland Game Bird Biologist, presented an update on the sage grouse planning process. Have been working on this for about two years and gave the Commission a rundown of it about six months ago. Put together a draft since then and still waiting for writing assignments from some of the committee. By early May should have a draft to send to committee members as well as federal and state agencies involved in the planning process. Trying to get a commitment from those agencies on how they will use this strategy. Must make a decision of how FWP will implement the plan. If FWP commits to doing it, must go through MEPA process. If they do, must have strong commitment from federal and other state agencies of what they will do. In the process of hiring a planning person in the Wildlife Division who will put together a statewide upland bird plan. Can incorporate what they've already done into that

statewide sage grouse plan. Again, at that point, they would go out through the MEPA process. It would be directed toward what FWP can accomplish and less effort on what the federal agencies would do. Now finishing the draft, will ask USFWS to review it and determine if it meets their conservation plan standards, and then finalize the draft and put it out.

**Walker** asked about the timeline on USFWS getting back to FWP and **McCarthy** responded that the USFWS person who will review it returns from Alaska on April 25. Hope by May 1 to have USFWS initial review. Responding to Commissioner **Mulligan's** question about extent of USFWS involvement, **McCarthy** said they have been involved in the entire process, and much more so for the last six to eight months. Responding to Commissioner **Dascher's** question whether they have attended all the meetings, **McCarthy** said they have been at every one and FWP has received from them the commitment that if they ever go through the MEPA process in dealing with allotment management planning, they would consider using this conservation strategy as part of that planning process. Had comments from the Forest Service and State Lands that they want to see a draft of the entire document first before they commit on paper. With BLM's amount of land and distribution of sage grouse in Montana, they are the real key to this. What they do drives the conservation process. **Dascher** asked if they use it as a guide or is it mandatory? **McCarthy** said they have put that question to them at the state as well as national level on how this will be implemented. If even one BLM district strictly imposes this while another one merely look at it as a guideline that has a real impact. However, haven't received a decision from BLM on how they will interpret the plan. The federal agencies have had meetings where they are supposed to make a decision on how they will do that, but haven't agreed.

**Director Hagener** asked if there is a petition out, and how Montana fits with other western states on historical sage grouse habitat? Some states are doing some things, others are doing nothing and others are looking a variety of things. The sage grouse issue is broader than just Montana because of historic range. **McCarthy** answered that sage grouse currently occur in 11 western states and 2 Canadian provinces. The Western Association of Fish and Wildlife Agencies developed a Memorandum of Understanding (MOU) between the states that each state would put together a conservation plan. Some states are doing something similar to Montana and others are putting together local working groups. There is a real distinction between the states because you have states with larger populations of sage grouse (Montana, Wyoming and Idaho) compared to the Great Basin states where populations have declined due to habitat loss of millions of acres. Wyoming, Montana and northern Idaho are not in that situation, as our populations are healthy and habitat is still in good shape. The declines we have seen are probably the result of more habitat loss to cropland than from fire. Wyoming is in about same situation we are, and they are having difficulty getting commitment from federal agencies.

Responding to Director **Hagener's** first question, **McCarthy** said three petitions have been submitted to list the birds. They are specific to populations and one is the western edge of Colorado by Gunnison and into Utah. Because of that population's importance (it is also considered a sub-species), they are taking it upon themselves to see if it should be listed. Two populations in Washington are being petitioned and were found "Warranted, but precluded." This means the USFWS is looking at them but won't get to them for a while. The third petition is for a small population in the Mono Lake area of California and Nevada. That petition was

turned down because evidence was not found sufficient to list. We have recently been petitioned by the American Land Alliance to submit all of the information we have on sage grouse. A coalition has singled out BLM, the U.S. Forest Service, Idaho, Montana and Wyoming. Believes they have already done the other western states. It appears like they are looking at either a range-wide listing, or (this is rumor) separate out Idaho, Montana and Wyoming. They have petitioned to list populations within the Great Basin states, but again, that is conjecture. **Mulligan** asked if anything was being done in Canada. **McCarthy** responded that the Canadian populations have been put on their "Red" list, which is similar to our Endangered Species list. Their populations are closely connected to ours on the northern end and they are down to two very small populations. We are interconnected to the two populations in Canada, one in South Dakota, those along the northern edge of Wyoming and in the northern portion of Idaho. Montana is a key player in the whole process because of that interconnectivity.

**McCarthy** introduced Scott Cassel, a rancher from Saco. He and his partner, John Lacey, have been involved with the sage grouse working group for some time.

**Scott Cassel.** Purpose of his discussion today is to relay some ranch perspective and present their concerns. Former FWP Director Pat Graham signed an MOU with the federal agencies committing Montana. No one can tell them right now if they have a plan or what process they are in. When they were in Billings no one could tell them what they were doing, which was unsettling when you are involved in a process, feel it is important and are committed to it. They have decided, however, to stay and see this through to the end. What they are doing is create a management plan to preclude a listing under the Endangered Species Act. Naturally they are concerned with impacts to livestock production and agriculture in the northeast, and the ability to make management choices. There are property right issues involved. If listed, this bird has the potential to bring a pretty serious economic hit. There is a definite lack of balance in the makeup of the committee looking at this. This is not the fault of FWP but rather the people who are involved. There is not enough rancher involvement. The plan doesn't address predator and hunting issues. It is all based on habitat. The WAFWA guidelines, which are the basis of this document, call for some pretty restrictive guidelines. There's no possible way that can be implemented and have any livestock of any kind.

Other concerns are that the empirical evidence given by local landowners was ignored, and the numbers. There are three different numbers in this plan. When you're involved in a plan like this where there are so many divergent, conflicting and complex issues on sage grouse management, you're got to have good information. Would ask that the information that is available to the department be made available to the people who are involved in this plan. We know the federal agencies are very concerned with these issues and those are not being addressed.

**John Lacey** - Scott wrapped up all his points very well, but want to emphasize two things. First, Scott does represent the land community and the ranchers. Many other landowners share his concerns. Support what he indicated there. To reiterate one very important point, strongly urge Montana FWP to get their data packaged in a more presentable way on this sage grouse issue.

**Walker** - In your presentation you cite the difficulty in receiving information in the past tense. Has that been corrected? Mr. Lacey's presentation tended to cite the department as still not furnishing all the information you need. Which is it? **Cassel** said the issues are being responded to but the predator studies are not. Most of the plan is based on habitat when 80% of the losses are due to predation. The avian predators are the largest problem. **Lacey** said when they looked at predators, the department doesn't share information on number of predators. Looking at avian predators and coyotes, there have been substantial increases in the populations. Looking at cover knowing a certain amount is essential habitat for sage grouse to survive and then looking at predators, more cover is needed for sage grouse to survive. Those relationships aren't in this draft plan. The definition of suitable sage grouse habitat is not there. A lot of research is needed and the department has to communicate to the public, to the USFWS and the landowners much better than they have in the past.

**Alton Smith** asked what determines the process for the department to collect their data, coordinate that from other agencies, disseminate it, etc. **Childress** responded that for sage grouse they made a major effort and will combine all that information so it is available and have numbers that are comparable data, i.e., so Pat Gunderson doesn't talk about numbers of the males on the lek while others talk about the number of leks that are there. We're looking at creating a statewide database so it's not numbers from a regional or individual biologist. **Cassel** said there is a concern where you want the data to be available but it can be misused and abused by people who access it. **A. Smith** said his next point was are you then going to make sure there are qualifiers? **Childress** said that's something they must deal with when putting together a statewide database that is available. You do certain things with it, which we refer to as buffering, so someone who gets the data doesn't use it for site-specific purposes. Scott's point was that information is there and has to be standardized. There will always be interpretations. It's one of the reasons John McCarthy indicated we want the USFWS to look at this information. Must ask what kinds of things they use to evaluate so we make sure it is collected in the right format to answer those questions.

The other part is answering the questions do we have a plan and where do we go? Need to go back to what we're trying to accomplish and that is putting a plan or a strategy in place. First, we don't believe sage grouse is a threatened species in Montana. We've made that statement many times, but we should have a plan to make sure it doesn't get listed. The USFWS must be able to monitor what we accomplish so they can evaluate whether the plan is effective. Having a plan does not indicate whether we have done anything. Looking back, some rulings were made based on there was a plan so they didn't need to be listed. There were some losses, however, and then it was evident that even though there was a plan, nothing had been done. That is the point with other agencies. We may have a plan but if we don't do anything, we get nowhere. To move it forward, at some point we must have a process showing how we'll get there. That is implementing the entire plan and not just range management or something else.

The other point to be made is the MEPA process. We've been in this process of developing a plan, looking at strategies, and the things that can be done. Scott mentioned discrepancies and whether it is 8 million or 34 million. Some of those things must be worked out. Mostly data is based on GIS and what kinds of layers we are actually using to define what those figures are.

That would be something that has to be done, not just acres of habitat. There was John Lacey's comment about the population and whether information we use is leks or total numbers. We will go through that MEPA process in order to establish those rules and objectives.

**Chairman Walker** said, as you know, we've had comments from two members of the legislature regarding sage grouse. One was from the Winnett area and one from the Madison country. In both cases they are citing diminished populations. How are we looking at those populations in different parts of the state? It appears the birds are doing pretty well here, but it also appears they are not doing as well in other areas. **Childress** responded that as you look across the state, you will see ups and downs. We are doing the same level of intensive work in the Madison and Dillon country. In Senator Butcher's area we are moving that process forward. Have talked to him a couple of times and as far as we know, there have been no sage grouse there for 30 years. At least that is what he said initially. But we are continuing that same process statewide with major efforts this year and next to do as much of that as we can.

**Walker** said his final question here is about the protection of predators and the USFWS involvement in that. Can we expect any help in those areas or do we simply watch these predator populations increase? **Childress** said in talking about bird species in general, it would require a major effort to deal with those. If you have a site-specific issue, there are depredation permits available so you can use specific control actions. The only one that is at a national level, and it is still in process, is the cormorant. That is primarily in the southeast with commercial catfish operations. Responding to a question from Commissioner **Mulligan** about what is being done to pursue the collection of data, **Childress** said Pat Gunderson made reference to this and a study that is going out. Data is being collected and BLM has a couple of areas they are looking at. We will put that data together and predation will be a part of it. **Mulligan** said he agrees with Scott Cassel's point on that and he is concerned that not enough effort is put into determining the impact of other birds and predators. Does not agree with him on the hunting issue, but feels should have some goals in mind to pursue the collection of that kind of information to manage the birds properly.

**Pat Gunderson** said we also have the opportunity to focus on coyotes. There's a new animal damage control officer who spends a lot of time on coyotes. He always opens the stomach contents to look at it. We'll be able to get absence or presence information on what coyotes are eating specifically. This doesn't give any information on what gulls and other things are doing to sage grouse. But some answers may come from examinations he doing on coyotes. He is committed to doing it and providing the information. **Walker** asked if he was looking at skunks and raccoons and **Gunderson** said any time he has talked to him it is coyotes. **Dascher** said they didn't used to have fox, raccoons and skunks. The coyote gets blamed for much of it, but he probably gets help from other predators. **Walker** said in Utah they found that an intensive program to wipe out coyotes opened the door for the smaller mammal predators, and it may have been a mistake trying to eradicate the coyote.

**Cassel** said from a rancher's perspective a lot of that information should be at the forefront because then they would know it's not their fault. Their cows do not destroy habitat for sage grouse. It is information they want to hear. **Mulligan** said that's an excellent point because

there are many parties involved. There are a lot of eyewitness accounts and anecdotal information that tell different stories. Hunt the Dillon area quite a bit for sage grouse having done it for 40 years. The range has improved considerably. The avian predators have increased considerably. The birds were down but now they're back up. What does that say except that there's not enough information. There's a considerable difference in the quality of the range in the Snowline and Big Sheep areas than there was 20 years ago. **Gunderson** said in deference to the management agencies that's a tough place to manage because many of those ranches aren't owned by the same people that historically had them. **Mulligan** said the ranchers that do still own them have learned there are better ways to operate and make improvements. **Gunderson** said a lot of those being talked about are in the plan, the strategy of conservation actions, and a lot of the research needs are listed there. **Dascher** said we need more research on conservation of the land and effects of grazing. It should be a guideline. Do not want BLM or the USFWS or someone coming in and saying "This is a mandate, this is how it will be done." Then we would have the spotted owl of the west out here with the sage grouse. **Gunderson** said that is a possibility, but at the same time they would have a hard time proving it scientifically. If they wanted to overtly regulate us, that's probably another matter than proving it's a foul-up.

**Walker** asked if there was any evidence linking forage that is left to fire. **Cassel** said he couldn't answer that. There's a fire control section in the document and part of the discussion was about that. Out here fire control is a complete misnomer because it just burns. In a lightning storm it's going to burn; there's no such thing as fire control. There is research out there that says once a fire is in place, the brush is gone forever. And there is research out there that says when it burns, it comes back in 20 years, depending on the kind of soil it occurs on. There are not a lot of answers and there's a lot of conjecture. **Everett Russell**, USFWS, spoke briefly about fire. Much depends on when the fire comes. If it's a spring or early summer burn, in other words a cool burn, sagebrush will survive that. If it's a mid-summer burn during a drought, it will basically wipe out that sage and take 25-35 years to come back. You really can't make a blanket statement about fire. Like sage grouse, there are many factors that need to be addressed.

**John McCarthy** said on a statewide basis they're looking at the difference in the species of sagebrush that occur across the state. When you get into an area such as north of here, you're dealing with silver sage, which has a much better chance of recovering from a fire. Big sage, which is found between here and the river, reproduces by seed only and that seed is only from a mature or a reproductive plant. If you have a spot fire that burns 10 acres, in big sage you will see seedlings coming back very fast. In silver sage, the plants that are there will resprout and start regenerating immediately. If it is a 10,000 or 12,000 acre fire, or a million acres like they're seeing in Idaho, it's a long regeneration process. Coming out of Billings by Columbus and looking at those barrow pits, the road has been there 30 years and the sagebrush is just starting to come back. One of the complications with this in Montana is we have five species of sagebrush. Some will reproduce readily but the majority in this area are with big sage and big fires so it takes longer. That's just one of the things we're trying to deal with in this plan. **Mulligan** said he wanted to follow up with Commissioner Dascher's concern about whether this is made a guideline or is mandatory. Doesn't believe that when made a guideline it will protect from what is feared. Say that because of what happened in Big Sheep. The Montana Wildlife Federation

appealed a management plan made there, and the regional forester successfully upheld a portion of it. This resulted in the doors opened for that appeal because the federal agency did not implement their plan and do the monitoring they said they would do in the plan. We're already at risk.

**Childress** said this is a very important issue and not one any of us should take lightly. We all want to move forward towards a common objective. How we get there and the process we use is always of concern. We feel confident we can move forward and we don't think the species is endangered. That provides us with a lot of opportunity to find something where we can all work together to make sure it doesn't get there. That's where we want to be. Both the agency and the Commission have said time and time again that it is not our intent to see things put into place that would have a negative impact to the agricultural community. Our objective is to have a viable sage grouse population and a healthy agricultural industry.

**12. Trumpeter Swan Issue – Information.** Don Childress said he brings the trumpeter swan issue to the Commission not to engage in the legal battles that are occurring, but simply to provide background and indicate where we may be going in the future. In this case, the trumpeter swan is called the tristate trumpeter swan. Distribution is in the southwest part of the state and involves Montana, Idaho and Wyoming. A number of organizations have tried to use that sub-population in the listing process. We have worked with the Trumpeter Swan Society and a number of organizations trying to expand both the breeding population and the wintering population. The Red Rock Lakes National Wildlife Refuge is a big area that typically has a core population. They had a feeding population for years. That was terminated and most birds moved over to the Snake River in Idaho in Harriman State Park. At the same time a large population from Canada has been moving into that area and wintering there. It's a limited site as far as vegetation with lots of snow. There is concern that water flows are diminishing coming out of the Harriman State Park reservoir, it will freeze and forage will be unavailable for those swans, and there will be a major die-off. That's probably true and the risk assessment is there. If the population continues to expand, the amount of available forage is probably not sufficient to handle those birds.

There's a push to get those birds to move farther south in terms of a wintering population, and that's part of the problem. Moving south they get to Utah, which has a swan season throughout the fall and was one of the first states to have seasons in the late 1960s. Some groups have pushed to restrict swan hunting. The number of swans incidentally taken by swan hunters in Utah is very small. But, from the litigation standpoint, shooting one bird that may be flying south is too many. A lawsuit, which was filed a few months ago, does not name FWP, nor the USFWS, although they have named Montana in terms of our seasons being part of it. They want to close it even if it really isn't a big issue in terms of that population. There are groups that don't like hunting so this is an opportunity to use some bird. The USFWS has provided the documentation, 6,000 pages.

The main reason we bring this to the Commission is to make you aware of the potential for the swan season in Montana to be tied up in a lawsuit. We've had an active plan to expand trumpeter swan nesting in Montana and that is primarily on the Salish-Kootenai Reservation.

The question that comes to the agency and will eventually come to the Commission is whether we should look for additional opportunities in the Blackfoot River area near Helmville. The USFWS has been very active in securing easements in that area. Some groups would like to see us actively engaged in reintroducing trumpeter swans there to help in the process. The concern to be aware of is if swans are established, there may be a push to eliminate hunting opportunity to make sure those populations aren't threatened in the future. We have no authority on the reservation as to their reintroduction of swans. If it is decided through the EA process that this is something we will explore, it will come to the Commission for final approval. The USFWS continues to stand strong relative to hunting opportunity and it will be decision for the court.

**Chairman Walker** said that the handout stated the significant decline was a result of discontinuing feeding in the Ruby River. Why not re-institute the feeding? **Childress** said it was an artificial feeding program that really wasn't helping accomplish the objectives they had. That population has increased since that time. A lot of mortalities that occurred for that population was the result of direct action by the agency to move those swans out of that wintering site. They translocated them, they flew around, ran into lots of different things and many were lost.

**13. Pelican Issue – Information.** **Don Childress** said the question was asked of him what the opportunities are for pelican control. Pelicans and cormorants are two species in Montana that reduce fish species. Information that is available was done mostly in Wyoming and several studies were done there relative to feeding habits and different species of pelicans. It is certainly relevant to Montana. They looked at different fishing methods of the birds to determine how much they were eating. There is no question the cormorant is a big issue in taking fish. The USFWS is going through a process to allow depredation orders for people to control cormorants. They were having real problems in the southeast where they farm fish a lot, particularly catfish. It is nationwide, however. The EIS is out now and will probably be finalized in the next couple of months. Cormorants were taking a large number of fish, both suckers and trout. The trout in the cormorant diet increased from 29% to 52% once the trout were planted. So the cormorants had switched over to trout and were taking a greater number. Pelicans, on the other hand, were taking less than 1% of trout. Pelicans tend to eat suckers and minnows. In a number of areas where they worked, the salmonids that were there were less than 1% in both percentage and the biomass. They looked at both streams and lakes for a number of situations and it was consistent. One study was done somewhere else and it was higher, but still less than expected.

The other concern is that pelican populations in particular are increasing in southwest Montana. Don't have specific numbers, but certainly in southwest Montana have seen an increase at Canyon Ferry. There are only two or three nesting populations of white pelicans in Montana. The one at Canyon Ferry is a result of man-made habitat on the islands at the south end of the lake and there are around 1,500 pelicans in that complex. Prior to the establishment of this population, most of the pelicans seen in the state were migratory, non-breeding birds.

You are correct in identifying pelicans as being more common throughout southwest Montana. As mentioned earlier, there are two options. One is the permit process with the agency applying for a permit on a case-by-case basis for a specific issue. An example is if we wanted to do some

control work at Canyon Ferry, we could apply for a specific permit for control right there. They are issued by the USFWS and most permits are tied to commercial operations. They require other efforts for control and as an agency we would be required to try things like scare tactics, putting stuff on the islands, and reducing nesting opportunity, all tied in with the permit. The other option is going through the depredation order. It must be very specific. Once you go through the depredation order, it provides a general framework for the agency to take action. Must demonstrate first that the permit process didn't work. There have only been three or four done in the nation so far. The gentleman I talked to in Denver said it takes three to five years to complete that process.

**Walker** said in looking at the Canyon Ferry population, the issue is that those birds have taken over islands that were created for geese and ducks. **Childress** said we could certainly make the case that it has occurred. We would then have to make a convincing argument that it requires us to do something. Other people would view the pelicans and cormorants as valuable as ducks and the Canada goose. **Mulligan** asked about the several hundred that are on both the Jefferson and the Madison. Are they counting that population or are they migratory? **Childress** said it is probable that enough birds are produced at Canyon Ferry that a fair number are being shucked off somewhere else. They are at least four years old before they get into the breeding age so there are a lot of non-breeders put into the population. Prior to that time they were migratory birds off the coast that moved in only during the summer. Responding to Commissioner **Mulligan's** question of how Wyoming got the authority to do this, **Childress** said that it was a specific permit. There were pelicans using Ennis Lake in the late 1960s and locals were using their own control mechanisms because they had the feeling pelicans were taking all the trout in the rivers and the lake. So this has been an issue for a long time. **Dascher** suggested that the Canyon Ferry population, because it is a large one, would be a good one for study. **Childress** said there is a real opportunity but must clearly define what we're trying to answer. On some river systems, there are good reasons to study the populations. Canyon Ferry is another issue and some people may argue pelicans are a good thing there. Fish in the ponds at Canyon Ferry are rough fish so pelicans are probably good from that respect. The loss of habitat is a good issue for us to use there; taking of fish by pelicans is not as important as that loss of habitat. **Walker** asked if they will gather more information. **Childress** said they are looking for opportunities to put together proposals to the USFWS.

**14. Status of Early Haying of WMAs – Information.** **Don Childress** said as far as early haying on the Wildlife Management Areas (WMAs), it was pointed out changes should be made because of the possible impact on pheasant populations. The concerns were raised earlier and he has contacted all of the regions. The number of WMAs where haying occurs prior to July 15 is almost non-existent. Some haying does occur prior to then, but in some of those cases there are no upland birds. In Region 7 there is one area that has early haying involved with rotational crops and weed control. A new one in Region 4 is Beckman. About 60-70 acres is hayed prior to July 15. Because it's a brand new one, we'll look at it again. This is not a major issue but wanted to bring the Commission up to date on it. Will work with the individuals who have called and get a response on the scope of the issue.

**15. Wolf Planning - Update.** **Don Childress** handed out a summary of the community work sessions on wolf scoping. This is not an analysis of all the issues, but gives an idea of the magnitude of the issue. The department has been conducting scoping meetings around the state for development of a wolf plan for Montana. Over 800 people have attended those meetings. A lot of comments have been received by e-mail, hard copy mail and verbally at the meetings. Received over 2,500 comments in that process which they will analyze in the next few weeks. The summary lists many of the issues, most of which you are already aware. **Commissioner Murphy** commented that the chart shows 0 attendees at the Helena meeting. Actually, he, Steve Pilcher, and another fellow from the Montana Stockgrowers Assoc. were there, but the meeting didn't really happen so no one else was there. Should note, however, there were at least three attendees at the Helena session on April 1.

**16. HB 454 – Update.** **Don Childress** said this is a rule-making issue that will come before the Commission in May. Through the rule-making process, HB 454 would provide permits for the landowners who allow free public access on their property. The first page of the handout shows that the rule will be proposed as a Commission Rule and gives tentative meeting dates where Commission action may be required. The second page of the summary gives the statute itself and indicates a number of things that require rule-making. At this stage, it is important to look it over. If there are any issues that should be addressed, would like to hear about those so that in May can move forward with the proposed rule-making.

There are four general areas in the rule-making process. One is eligibility. It says "Landowner must own occupied elk habitat that is large enough, . . ." In this process must define what "large enough" means. In the draft, we might say 2,500 acres just as an example. This is where the department needs feedback from the Commission. Another area is "Regular Hunting Season." It used to be simple telling the Commission what the regular hunting season was but we can no longer do that easily. The third area is prioritization of permit issuance where the department must prioritize permit distribution. Trying to qualify how we approach this process. The fourth general area is looking at how we move through this process. We hope in the discussion of contracts and Commission's ultimate approval of permits, we can tie those together.

There are two basic philosophies on approaching this. The first is to write a very tight rule so there are no questions on percentages, requirements and total number of permits to be issued. We would like some flexibility, however, so we can work with landowners to provide additional opportunity for sportsmen. Please look at this in terms of potential relative to how the department can proceed and work with the Commission. If you have any comments, please let us know so the department can put them together in a draft rule format.

**17. River Recreation Management – Update.** **Charlie Sperry**, River Recreation Management Specialist. First, personally thanked the Region 6 staff for hosting the tour yesterday. For someone new to FWP as he is and dealing with river recreation issues, it was particularly helpful to get on the river. It is somewhat different than western Montana. Hired to work on river recreation issues and, in particular, conflict resolution on rivers. This stems more from some social issues in western Montana such as overcrowding and the conflicts resulting from that.

First, a brief update on the status of the Statewide Advisory Council being created. Received a couple of letters about that and wanted the Commission to have the opportunity to provide feedback. The second item being addressed today is another letter, this one with a question from a watershed group. The Blackfoot River Recreation Steering Committee has asked the Commission to answer their question if the Commission's policy for the year 2000 regarding recreation conflict is still a valid policy.

There was a meeting on March 12 of river recreation interest groups including river outfitters, sportsmen and others such as the Montana Wildlife Federation. This core group will be involved in river planning efforts. The group that met March 12 had three requests: 1) Statewide river planning process must be an open and inclusive process from the beginning, 2) the Commission must be involved in this planning process, and 3) a third party facilitator should be involved. They also requested the Montana Consensus Council be the third party that helps design the planning process and facilitate the work of moving forward. Sperry said his belief in this work is to take time for a well thought-out process from the start. It is critical that all buy into the design of the group and the process to be used. It is also essential the Commission endorse the process.

**Commissioner Mulligan** said that he followed the legislation passed on the Big Hole and the Beaverhead and vetoed by then Governor Racicot. The Commission was then asked to pursue implementing the intent of that bill. With the Commission's blessing, FWP set up working groups on the Beaverhead-Big Hole issues. Unfortunately, the results were less than what they wanted. Consequently, there have been credibility problems with the process moving forward. There were problems with acceptance of the department and Commission's decisions to not follow the working group's recommendations, and some distrust came from that. The consequence for him is strong conviction the process be completely transparent up front, the Commission stays physically involved and there be a neutral third party facilitator. Agrees with those at the March 12 meeting that FWP not be the facilitator. For the same reasons, does not think the Montana Consensus Council should facilitate that process because of their involvement in the past. His feeling on this comes not from sense the Montana Consensus Council lacks the capacity or experience to do that. It is simply because they were too closely involved in the Big Hole/Beaverhead process, and that would have an impact on credibility in going forward. Commissioner Mulligan's recommendation is they use an independent facilitator. Fully supports and expects the department to lead local working groups to feed off the statewide process. Also strongly recommends the department put together a working session soon on the history of what went on with the Big Hole-Beaverhead process.

**Sperry** said he is preparing background information on what has happened in the past and listing some of the key points that were addressed by the previous Commission. There is a lot of information that goes back a number of years, and he is trying to distill that into a concise format for the Commission.

**Commissioner Lane** asked who recommended the Consensus Council in the beginning. **Mulligan** said his perception is they recommended themselves. There may well be a role for the Consensus Council somewhere in this evolution of accomplishing where we want to go. Has a great concern, however, with that group leading this first process. **Sperry** said he meets next

week with Ginny Tribe, an independent facilitator, to discuss some of the interests with her. In the interest of keeping this all transparent, making it known they are looking into an alternative to the Consensus Council as facilitator. Bringing this information to the Commission now so will know why they are receiving letters about it. **Murphy** said he has dealt with the Consensus Council and they can certainly do an excellent job. Matt McKinney of the Consensus Council facilitated some in-stream flow leasing issues and it worked out very well. Looking at all the issues where the Consensus Council has been involved, and given the stakeholders involved in this process, must reiterate some of the same concerns Commissioner Mulligan expressed about Consensus Council involvement. If this goes to someone besides the Consensus Council for facilitation, does it have to go out as a contract or would it have to go out for an RFP? Are there other entities that can provide the expertise? **Sperry** said he has heard they do not have to put out an RFP. **Director Hagener** said under \$5,000 can do that. Once you go over \$5,000, you must look around and you can still sole source it, but you must clearly justify why there is only one party who meets the criteria you want. **Sperry** said the Consensus Council does some free work up front, but after that there is a charge for their services.

**Mulligan** said his recommendation in this process is all the stakeholders must be involved from the beginning, which includes the design of the process and the decision of what objectives are to be accomplished. The stakeholders must also look at who is selected to serve on the statewide advisory group, what the mix is, how they are selected and the criteria for selecting them. This is not an easy task as it will be extremely difficult to come to agreement on some of these issues. **Walker** asked if the advisory group believes they will be the actual group. **Sperry** said the group that met March 12 was not a meeting FWP convened. He had not expected to be at the meeting as it was his second day on the job. The group was made up of core constituents, and it was more an exploratory meeting. Not everyone who should have been at the meeting was there. **Mulligan** said there is a fear amongst the stakeholders that FWP will take control of this and run it. That is even mentioned in the April 16 letter from Craig Sharpe, Executive Director of the Montana Wildlife Federation. There is also a group that wants to pursue a similar process to the Blackfoot. They approached the Commission a year ago and he strongly recommended the Commission not pursue that of an individual river issue until they go through a statewide process to address some of the hurdles they ran into with the Big Hole and Beaverhead.

**Murphy** said in that same vein he has been asked by representatives of the Blackfoot River Recreation Steering Committee to meet with them. They have a strong interest, which they want to continue to pursue. He indicated he would attend the next meeting, which is the middle of May. As a member of this Commission, has personal reservations with being directly involved on those committees as it is difficult to be completely objective. It is one thing to be there to monitor and participate from that standpoint, but has reservations about being an active, physical member of the committee. **Sperry** said he would consider that. There are watershed advisory groups already in place. As far as the Commission's involvement, his understanding is the preference is not to address these recreational use issues on a river-by-river basis. There are certainly some components of recreational use issues that can be addressed on more a statewide basis. To request a Commissioner be physically involved in every watershed issue around the state obviously is not in their best interests. The request is that Commission involvement be at the statewide planning level.

**Walker** asked about the advisory committee that has chartered itself or been chartered by someone unknown. **Mulligan** said he doesn't think they see themselves as an advisory committee; it's a group of stakeholders. **Walker** said "advisory committee" was just our terminology. **Sperry** said an advisory group is something the department wants to put together. The group convened by the Consensus Council was a meeting, no more and no less. Obviously, there will be some of the same players, but our statewide advisory group is yet to be established. **Mulligan** said he would like the facilitator to be on board advising us and other stakeholders on how best to go about forming and choosing members of that group to meet objectives. If we don't establish where we're going before identifying who will be on the committee may not have the right mix of people. **Walker** asked how much time that would take. **Sperry** said a day or two. Will meet with Ginny Tribe next week about her availability, which may be two or three weeks out. Responding to **Commissioner Murphy's** question of who she is, **Sperry** said she is involved now with the Elkhorn Working Group. **Larry Peterman**, Chief of Operations, said she is a private consultant for facilitation and mediation, who works out of Missoula. She worked for the Forest Service a long time ago and is very good with natural resource and recreation-type issues. She is very much in demand, and facilitates and mediates for a variety of things including the health field and community issues. She can pick and choose what she does as there is more demand than what she has time for. We use her for our most difficult issues. **Murphy** asked if there would be a problem given the time this could take. **Peterman** said she is a very efficient facilitator, even on some of the most difficult issues. She will set up four or five meetings with a very structured schedule to work through those and keep everyone on task. She accomplishes a remarkable amount of work for the time a group is together. Either they will come to agreement on it or they will not. But can sort out and work on the difficult ones. Shouldn't be a two-year process. Must be laid out and accomplished in a short time because that can provide the umbrella for some of the larger groups working underneath it. We must be very cognizant of the timing. When we meet with Ginny Tribe next week, after laying out the issues, she will give some indication of how long she thinks it will take, come to agreement on the cost and move forward.

**Mulligan** said his understanding is that driving the schedule would be expiration of the current biennial rule on the Big Hole and Beaverhead. Should be the 1<sup>st</sup> of May next year. Has been recommending the department not take the lead on this and we have an independent facilitator. **Director Hagener** said that was their intent. The department was blamed last time that we were strongly trying to control and push in a specific direction with the Commission included in that "we." Need to go to a neutral party. Put Charlie Sperry on because it is a critical issue and somebody in the department needs to be involved as a staff member in the process. It will go on for some time. In visiting with the Governor's office, it was very clear the Consensus Council was being pushed by other people and called the preliminary March 12 meeting that Charlie Sperry attended. The Governor's office was asked to be part of the meeting but did not call that meeting.

**Hagener** said he is concerned this is slow getting started. By next May, must have a new rule for the Beaverhead-Big Hole. There are several groups from other rivers that want to see something happening. **Commissioner Mulligan** talked about a two-phase process where a

stakeholders' group decides who will be the advisory committee. That's a good way to go about it. Otherwise, someone will say they didn't have a fair shake. Within a few days after the March 12 meeting with the Consensus Council, he heard from three people who asked why they weren't invited.

**Sperry**, responding to questions of who was at the March 12 meeting, said attendees included: Montana Wildlife Federation, FOAM, Trout Unlimited, representatives of the Big Hole/Beaverhead group, Montana Outfitters and Guides Assoc., a few members of the Blackfoot River Recreation Steering Committee and independent sportsmen representing some of the independent interests. Neither private landowners nor members of the non-outfitting business community were represented. **Hagener** said a critical component is there should be parameters set forth by the initial group that selects the other group. That's why it is important FWP and the Commission be involved early. That involvement, however, would not drive the process. It's being part of the process as they recognize some things can't be done because of a statute or because other factors are applicable. One of the things he heard and witnessed with the Consensus Council is they will convene a group of stakeholders, but they don't include critical people who have to implement the program or enforce the law. **Mulligan** said what makes sense after meeting with Ginny Tribe is to draft a preliminary outline of what we're doing. Somehow must communicate to the stakeholders that we are taking action, we are going to have an independent facilitator and the direction we want to go. Just not sure of the best way to take that step.

**Sperry** said he would suggest, following Commissioner Mulligan's recommendation, the Consensus Council's role be secondary to involving another facilitator. If you are comfortable with Commissioner Mulligan's recommendation, we are on track with going forward. We have met with BLM, the Forest Service, and University of Montana. **Murphy** asked if there are other independent facilitators. **Sperry** said there are plenty of facilitators, but the list is short when you try to find those with a natural resource background and an understanding of other agencies. Also, Ginny Tribe is available. **Walker** asked if the people in the ad hoc group would be included in the first stage of developing rosters of the advisory committee. **Sperry** said his inclination is to open it up and allow people to participate in the first go-around. Then focus on how to appoint representatives. Groups should name their own representatives. **Mulligan** said with the Elkhorns, a request was made of all the stakeholders they be part of the steering group. They sat down with the facilitator and identified the objectives of the process, timeline, what advisory group makeup would be best to accomplish that, and whether or the agency people should be involved. They then established objective criteria for selection of the members, and asked people to submit names of those who should be included in the advisory group. They established scoring criteria, which included objectivity, critical thinking and other things. That took about two months in three meetings of the steering group. Would be very hesitant with self-designation of people being in this group.

**Walker** asked if the group that met March 12 did so in an effort to set the tone and prevent what we want from being done, or was it out of impatience to get moving? **Mulligan** said his perception is it came from impatience with the process not moving fast enough. He talked with Robin Cunningham of FOAM, expressed the same things telling you today, and Robin fully

supports the direction he is recommending. A letter from Craig Sharpe of Montana Wildlife Federation fully supports what we have talked about. The only difference he has is whether the Consensus Council should lead it. Would like the Commission to give a thumbs up to move forward and agrees with the concept. **Walker** said he would agree to that but should probably have an update at every Commission meeting and may be doing some conference calls. **Mulligan** said it would be appropriate for any and all the commissioners to be at the front-end meetings with the facilitator and steering group. As this goes on will receive a lot of mail, phone calls and input from different stakeholders providing their point of view.

**Dascher** said her experience with groups she has worked with, you think you have a good solid consensus, and she hardly gets home before she gets calls from people who aren't so sure they want to go along with it. **Peterman** said you need to put in a lot of the work up front and you should be comfortable with what is going on. Agree with Chairman Walker's suggestion of either monthly updates or maybe a conference call as critical decisions appear. As far as the outside facilitation, Ginny Tribe is very competent. Have no question about her abilities to do something like this. As get to more contentious issues, there aren't many who can do a good job with them. Won't be an easy process because there are some very significant interests. On one side there are interests of public trust and property rights, on another side are interests tied to it commercially, and then there is the recreating public in the middle. The Beaverhead and Big Hole showed we had some overall issues that weren't addressed and couldn't be addressed at the local level. Think this is the way to go. It has evolved this way and is a natural evolution. But must be sure it is done right. **Walker** asked if Commissioner Mulligan would be there. **Sperry** said he would let him know when it is scheduled. **Murphy** asked to be informed of the meeting. **Sperry** thought it was the 25<sup>th</sup> in the Director's office.

**Sperry** said a second part of this discussion is based on a letter received from the chairman of the Blackfoot River Recreation Steering Committee. They are asking if "FWP Commission Policy on the Development of Management Plans and Regulations to Address Recreational Conflicts on Rivers," as adopted by the FWP Commission on June 15, 2000, is the current policy guidance document, and if it has been amended or superceded. **Bob Lane**, Chief Legal Counsel, said it is still a valid policy of the Commission. Policies are guidelines in this process so right now it is your policy. But that doesn't mean your policy cannot be changed as you go along. **Sperry** said this policy was designed to guide the department and the watershed advisory groups that were created in the year 2000. It was not designed to guide a statewide planning process because that process wasn't being advanced at that time. There is a lot of good information in this policy. **Walker** said the logical thing would be to advise them by letter that "Yes, this is the current policy, but we are in the process of developing a new statewide policy." But may also have to say that reliance on this for planning should not be done. **Sperry** said they are anxious to move forward and they want something to guide them. We are in a position of trying to accommodate their interests in moving forward in the watershed issues, yet also recognize that some of what they are taking on is part of a broader issue. They have been around awhile and were sanctioned by the department. Now they are coming up with a management recommendation for the Blackfoot that is essentially a watered-down version of the one brought to you the last go-around. They have taken out all reference to allocating use or regulating commercial use on the river. Now they are working on a management recommendation that

would call for registration of all commercial use but not limitations, as well as asking for a user fee. They have asked a legitimate question for policy to guide them. **Mulligan** said maybe they don't realize the Commission has no authority as far as setting a fee. That goes through the Legislation. **Walker** suggested drafting a letter in the Director's Office but consider that the policy may be changed and we're in the process of establishing methodology to do that. We should consider assigning a department person to work with them if they wish to go forward on some sort of planning effort. We don't want to turn them off now. They have invested a lot of time and effort and have helped to get us here. **Mulligan** said it is imperative they understand the bigger picture. It is important we encourage them to continue but they must understand the environment they are dealing with. **Murphy** said the letter could be a good lead to ask they be represented at that meeting. **John Lane** said there is no doubt they want to be involved.

**18. Automated Licensing System - Update.** **Director Hagener** said things are going pretty smoothly. A breakdown occurred last weekend and that is why we held the conference call last week with a proposal to extend the deadline for purchasing black bear licenses. Part of the problem was with the host computer at ITSD, the mainframe for our system. That system runs a lot of things for labor and industry and all of Dept. of Revenue. With tax returns coming in and batch returns being run, there was probably an overload on the system.

With the bear deadline and the spring turkey opener, were selling more licenses. Looking at the chart shows 2,800 licenses issued April 1. It went up steadily until last week where it was over 7,000 licenses per day being issued. Other things happened with agents who were new to the system. The Helena office sent out instructions on how to issue bear licenses and turkey tags, but some license agents did not get those instructions. A notice went out Sunday morning but an obsolete file went out too, which confused issue even more. By Monday, things were running smoothly again. The volume has dropped off again. One of the biggest things being done to address deficiencies is ITSD will be installing four new processing units to add to the mainframe. It is important to note this is a small spike in volume; there are bigger ones coming so want to be ready for those.

In the northwestern corner of state they experienced telephone interference problems, which caused a total shutdown there. Some of these problems are because the people who developed the system appeared to only look at an ideal environment, and didn't consider problems they might encounter in a rural environment. Looking at getting designated lines and how best to handle that.

Another concern is with the pouches people are given to put their licenses in. They are too big and don't fit in a wallet. New ones that better meet our needs have been ordered and they should be in the first week of May.

Because of the complexity of the system and the training required, trying to be responsive with a Help Desk that is always open. Large contractors don't like our technicians going into their system but we now have authorization to make the changes necessary to get it running. Some people don't like calling the Help Desk. Focusing on training and getting people to call the right place. Because of the glitch with turkey and bear licenses, spent time with Enforcement asking

them to be lenient with hunters who got frustrated waiting for their licenses. We're talking about a courtesy citation rather than writing a ticket.

**Hagener** said the target is October for the implementation of license sales over the Internet. There is concern about what that will do to businesses that sell licenses. Our license agent system is set up to serve the customers, our customers being the hunters and fishermen. It has not been to make sure a vendor is making money from that customer. We're going to propose to the Legislature to look at what that vendor receives per license sold. Some vendors that have sold licenses for some time feel it should be increased from 50 cents to \$1.00. With the new system, we have shared some of the cost of installation and cost for the hookups. We're now working through the system to see what the vendors should be paid for licenses they sell. Enforcement is concerned about Internet sales and especially a non-resident who tries to purchase a resident license. A lot of people do that and Enforcement doesn't want an avenue to make it easier for them to do it. We think it will be more efficient than now as there will be checks in the system to stop some of that.

The last thing relates to the question of the non-resident general big game combo. We received 15,589 applications for the 11,500 available. Those are the ones where we raised the price from \$475 to \$625. For landowner-sponsored licenses, we exceeded the numbers as the target was 2,000 and we received 2,778 applications. When we left for Glasgow on Tuesday, for both the outfitter big game, the B10 or elk license, and the outfitter sponsored deer license, those were about 300 undersold. The B10 had been raised to \$1,100 and the deer one went down to \$775 from \$825. We anticipate will sell the full amount. Other states have seen a small drop in non-resident sales and the feeling is what happened on September 11 and impact on overall economy contributes to that. Expect MOGA will suggest at a later meeting that we lower those fees.

**Director Hagener** handed out a summary of the department budget request. There are several steps to the budget process. We've gone through an internal phase of looking at requests from all the field offices and all the divisions. What you see represents about one-third of the actual request the functions throughout the department feel we need to efficiently run the programs we have. Within the state budget process, every time you have a different funding source, must put in a separate request for it. Some of these things are contingent on other funding sources. One of the big ones we are talking about is a license fee increase for residents. This is the preliminary request. In May will come back with further detail. We think this fits with Commission direction and priority. Must get authority to spend federal money and have to show we can come up with matching funds from state sources. You will be hearing more about retirement costs. In the next biennium, the department has 59 people eligible for full retirement at 30 years of service. When the person retires, there's a substantial payout for their annual leave, a portion of their retirement and a quarter of the sick leave. Our estimate is \$393,000, which is small compared to what the Department of Transportation and Department of Public Health and Human Services have. **Dascher** asked about the travel adjustment that is shown. **Hagener** said that is tied to gasoline prices and the travel allocation has gone up because of it. We have our own fleet of vehicles and to maintain that fleet, we have to increase that. We have asked for another \$1,000 or \$2,000 for the Commission budget, primarily because there are more travel costs. You're doing more and there is an expectation for you to do more.

Next is a reminder of the meeting in September of the International Assoc. of Fish and Wildlife Agencies in Big Sky. President Bush, the president of Mexico and the premier of Canada have been invited. Notice has been received from each country that they are interested in someone attending. For the U.S. we are told it will be either the President or Vice-President. It's a large-scale event. If you wanted to have a Commission session tied in to it, the WAFWA usually has an agenda set up for commissioners. Ron Aasheim is coordinating with Josh Turner the arrangements for us and there is plenty of room space available if you are interested in that meeting. **Dascher** noted it was a week-long event and asked what portion would be applicable for them. **Hagener** said the first two days would be mostly policy issues on a broad scale. There are likely to be more people on those days from wildlife divisions, commissions, etc.

Talked about having a two-day meeting in May and some agenda items. There will probably be a full day of work session items. In August looking at having a tri-state meeting with Wyoming, Idaho and Montana. These meetings can be very critical with issues of sage grouse, prairie dogs, grizzly bears and wolves. There were commissioners from each of the states at the meeting last year. Idaho is doing it this year, probably at Harriman State Park, which is not far from West Yellowstone.

Mentioned the possibility of a Smith River float. **Tom Reilly** suggested an overnight float, which would be halfway on the river, although doing the entire float would be better. **Hagener** suggested June 3-4. **Dascher** said those dates wouldn't work for her as it is election day and her house is a polling place. **Walker and Mulligan** said they could make it on those dates. **Murphy** said he could not commit for an entire float of four days. **J. Lane** said he could possibly take two days. **Hagener** suggested they would go ahead, plan for that time and as the time gets closer see who can do the float.

**Murphy** asked about the priority listing for budget items and **Hagener** responded that the Governor has asked that everything be listed in priority order. Said the way he did it was the first 40 are existing programs, which are the highest priority to maintain before adding others. The next category is new programs we can do now, and the last grouping are those dependent on some of the source funds.

Meeting adjourned at 3:30 p.m.

Approved this 18<sup>th</sup> day of June, 2002

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**Dan L. Walker, Chairman**

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**M. Jeff Hagener, Director**